

REMARKSStatus of claims

Claims 1-11 and 21-26 remain in this application. Claims 1, 6 and 8 are currently being amended. Claims 12-20 and 27-35 have been withdrawn.

Applicant notes the objection to the drawings and respectfully traverses the objection. Numerous drawings make reference to UV/violet light sources for the purpose of illustrating the different embodiments of the invention set forth in the specification. Figure 2a (source 214), Figure 10B (excitation spectrum), Figure 11a (source 1112), and Figure 12 (UV/violet source) all illustrate uses of a source such as a diode laser light source in accordance with the claimed invention. Although the construction and use of such a source was known in the art at the time of filing of the present application, the use of such a source for excitation of tissue autofluorescence was not known in the art.

Claims 1-11 and 21-26 have been rejected under 35 U.S.C. 112, first paragraph. The Office Action notes that the description of one embodiment requires an arc lamp. However, this ignores the teaching regarding numerous other embodiments using other light sources.

The reference to Wang et al. using an argon-ion laser for UV excitation at page 10, lines 13-14, relates back to the reference at page 5, lines 4-9, which refers to this source as a preferred embodiment in connection with the present application. Thus, the further embodiment using diode lasers at page 10, lines 14-16 is another embodiment of an excitation source in accordance with the invention. Viewed in the context of the entire application, the claims are believed to be fully supported by the specification and provide and enabling disclosure to one of ordinary skill in the art.

Claim 6 has been amended to obviate the rejection thereof under 35 U.S.C. 112, second paragraph.

Claims 1-6, 10, 11 and 21 have been rejected under 35 U.S.C. 102(e) as being anticipated by Imaizumi (6,293,911). However, Imaizumi discloses the use of a diode laser that emits an excitation wavelength in the infrared range in order to excite fluorescence in the antibody label ICG in order to treat the antibody with the fluorescent light. The ICG label is excited with light in the wavelength range from about 770 to 780

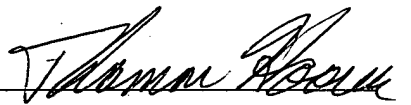
nm (See Column 32, lines 3-4 of the '911 patent). Thus, the source is used at a different wavelength than that recited in the amended claims for a different purpose. Thus, Imaizumi fails to disclose or suggest alone, or in combination with the other cited references, the presently claimed invention.

CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2475.

Respectfully submitted,
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By


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